

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 13, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

VIJUVE INC., a Florida corporation,

Plaintiff,

v.

KASPIEN INC., a Washington

corporation,

Defendant.

No. 2:21-CV-00192-SAB

**ORDER DENYING MOTION
FOR RECONSIDERATION**

Before the Court is Plaintiff's Motion for Reconsideration, ECF No. 98. The Court heard oral argument on June 13, 2023 by videoconference. Defendant was represented by Charles Hausberg and Zaine Yzaguirre; Mr. Hausberg presented on behalf of Defendant. Plaintiff was represented by Constance Proctor and Edward Redmond; Mr. Redmond presented on behalf of Plaintiff.

Reconsideration is an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." *Kona Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). A motion for reconsideration may be reviewed under either Federal Rule of Civil Procedure 59(e) (motion to alter or amend a judgment) or 60(b) (relief from judgment). *Sch. Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). "A district court may properly reconsider its decision if it '(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.'" *Smith v. Clark Cnty. Sch.*

ORDER DENYING MOTION FOR RECONSIDERATION # 1

1 *Dist.*, 727 F.3d 950, 955 (9th Cir. 2013) (quoting *Sch. Dist. No. 1J*, 5 F.3d at 1263).
2 “There may also be other, highly unusual, circumstances warranting
3 reconsideration.” *Sch. Dist. No. 1J*, 5 F.3d at 1263. Whether to grant a motion for
4 reconsideration is within the sound discretion of the court. *Navajo Nation v.*
5 *Confederated Tribes and Bands of the Yakima Nation*, 331 F.3d 1041, 1046 (9th
6 Cir. 2003).

7 Plaintiff did not meet the standard for reconsideration outlined in case law.
8 Therefore, for the reasons stated on the record, the motion is denied.

9 Accordingly, **IT IS HEREBY ORDERED:**

10 1. Plaintiff’s Motion for Reconsideration, ECF No. 98, is **DENIED**.
11 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to file
12 this Order and provide copies to counsel.

13 **DATED** this 13th day of June 2023.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

19 Stanley A. Bastian
20 Chief United States District Judge
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